

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GARY LEE MYERS,

Petitioner,


v.

UNITED STATES OF AMERICA,

Respondent.

Civ. Act. No. 09-394
Crim. Act. No. 08-181

AND NOW, THIS 28th DAY OF
May 09, IT IS HEREBY
ORDERED THAT THE WITHIN
MOTION IS GRANTED.


GARY L. LANCASTER,
UNITED STATES DISTRICT JUDGE

APPLICATION FOR CERTIFICATE OF APPEALABILITY
PURSUANT TO 28 U.S.C. §2253(c)

Gary Lee Myers, Petitioner, by his attorney, Stanton D. Levenson, Esquire, moves this Honorable Court for a Certificate of Appealability pursuant to 28 U.S.C. §2253(c) and, in support thereof, represents as follows:

I.

PROCEDURAL HISTORY

1. On April 29, 2008, a Federal Grand Jury for the Western District of Pennsylvania returned a single count indictment charging Petitioner with Possession of Material Depicting the Sexual Exploitation of a Minor, in violation of 18 U.S.C. 2252(a)(4)(B).

2. Petitioner retained attorney Ronald W. Hayward to represent him.

3. On May 6, 2008, Petitioner was released on an unsecured bond in the amount of \$10,000.00.

4. On November 14, 2008, Petitioner entered a guilty plea before the Honorable Judge Gary L. Lancaster.

5. A Presentence Report was subsequently prepared and filed.